

SB0016S02 compared with SB0016S01

~~{deleted text}~~ shows text that was in SB0016S01 but was deleted in SB0016S02.

Inserted text shows text that was not in SB0016S01 but was inserted into SB0016S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Daniel W. Thatcher proposes the following substitute bill:

PUBLIC SAFETY FEE REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill provides that fees for some services provided by the Department of Public Safety shall be set in accordance with the Budgetary Procedures Act.

Highlighted Provisions:

This bill:

- ▶ changes some fee amounts for services provided by the Department of Public Safety;
- ▶ removes some Department of Public Safety fees from statute;
- ▶ requires that some department fees ~~{shall}~~ be set as required by the Budgetary Procedures Act; and
- ▶ makes conforming and technical corrections.

Money Appropriated in this Bill:

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~~(None)~~ This bill appropriates:

► To Department of Public Safety - Programs & Operations

| | |
|---|--------------------|
| • <u>From General Fund</u> | <u>(1,115,800)</u> |
| • <u>From Dedicated Credits Revenue</u> | <u>(7,407,100)</u> |
| • <u>From Concealed Weapons Account (GFR)</u> | <u>(3,373,500)</u> |
| • <u>From Statewide Warrant Ops (GFR)</u> | <u>(586,200)</u> |
| • <u>From Transfers</u> | <u>(26,100)</u> |
| • <u>From Pass-through</u> | <u>(1,600)</u> |

► To Department of Public Safety - Bureau of Criminal Identification

| | |
|--|------------------|
| • <u>General Fund</u> | <u>2,565,800</u> |
| • <u>Dedicated Credits Revenue</u> | <u>6,382,100</u> |
| • <u>Concealed Weapons Account (GFR)</u> | <u>3,373,500</u> |
| • <u>Statewide Warrant Ops (GFR)</u> | <u>450,000</u> |
| • <u>Transfers</u> | <u>26,100</u> |
| • <u>Pass-through</u> | <u>1,600</u> |

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-1-106, as last amended by Laws of Utah 2013, Chapter 295

53-3-105, as last amended by Laws of Utah 2014, Chapters 225, 252, and 343

53-3-109, as last amended by Laws of Utah 2016, Chapter 175

53-3-205, as last amended by Laws of Utah 2016, Chapter 175

53-5-706, as last amended by Laws of Utah 2017, Chapter 286

53-5-707, as last amended by Laws of Utah 2017, Chapter 286

53-5-707.5, as enacted by Laws of Utah 2017, Chapter 286

53-7-223, as last amended by Laws of Utah 2010, Chapter 61

53-7-224, as enacted by Laws of Utah 1993, Chapter 234

53-9-111, as last amended by Laws of Utah 2014, Chapter 378

53-10-108, as last amended by Laws of Utah 2015, Chapters 255 and 389

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~~{ 53-10-404.5, as last amended by Laws of Utah 2014, Chapter 331~~

+ 53-11-115, as last amended by Laws of Utah 2015, Chapter 170

76-10-526, as last amended by Laws of Utah 2014, Chapter 226

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-1-106** is amended to read:

53-1-106. Department duties -- Powers.

(1) In addition to the responsibilities contained in this title, the department shall:

(a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code, including:

(i) setting performance standards for towing companies to be used by the department, as required by Section 41-6a-1406; and

(ii) advising the Department of Transportation regarding the safe design and operation of school buses, as required by Section 41-6a-1304;

(b) make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

(c) aid in enforcement efforts to combat drug trafficking;

(d) meet with the Department of Technology Services to formulate contracts, establish priorities, and develop funding mechanisms for dispatch and telecommunications operations;

(e) provide assistance to the Crime Victim Reparations Board and the Utah Office for Victims of Crime in conducting research or monitoring victims' programs, as required by Section 63M-7-505;

(f) develop sexual assault exam protocol standards in conjunction with the Utah Hospital Association;

(g) engage in emergency planning activities, including preparation of policy and procedure and rulemaking necessary for implementation of the federal Emergency Planning and Community Right to Know Act of 1986, as required by Section 53-2a-702; and

(h) implement the provisions of Section 53-2a-402, the Emergency Management Assistance Compact.

(2) (a) The department ~~[may]~~ shall establish a schedule of fees as required or allowed in this title for services provided by the department.

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(b) ~~[The]~~ All fees not established in statute shall be established in accordance with Section 63J-1-504.

(3) The department may establish or contract for the establishment of an Organ Procurement Donor Registry in accordance with Section 26-28-120.

Section 2. Section 53-3-105 is amended to read:

53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.

The following fees apply under this chapter:

- (1) An original class D license application under Section 53-3-205 is ~~[\$25]~~ \$32.
- (2) An original provisional license application for a class D license under Section 53-3-205 is ~~[\$30]~~ \$39.
- (3) An original application for a motorcycle endorsement under Section 53-3-205 is ~~[\$9.50]~~ \$11.
- (4) An original application for a taxicab endorsement under Section 53-3-205 is ~~[\$7]~~ \$9.
- (5) A learner permit application under Section 53-3-210.5 is ~~[\$15]~~ \$19.
- (6) A renewal of a class D license under Section 53-3-214 is ~~[\$25]~~ \$32 unless Subsection (10) applies.
- (7) A renewal of a provisional license application for a class D license under Section 53-3-214 is ~~[\$25]~~ \$32.
- (8) A renewal of a motorcycle endorsement under Section 53-3-214 is ~~[\$9.50]~~ \$11.
- (9) A renewal of a taxicab endorsement under Section 53-3-214 is ~~[\$7]~~ \$9.
- (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is ~~[\$13]~~ \$17.
- (11) An extension of a class D license under Section 53-3-214 is ~~[\$20]~~ \$26 unless Subsection (15) applies.
- (12) An extension of a provisional license application for a class D license under Section 53-3-214 is ~~[\$20]~~ \$26.
- (13) An extension of a motorcycle endorsement under Section 53-3-214 is ~~[\$9.50]~~ \$11.
- (14) An extension of a taxicab endorsement under Section 53-3-214 is ~~[\$7]~~ \$9.
- (15) An extension of a class D license for a person 65 and older under Section

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53-3-214 is ~~[\$11]~~ \$14.

(16) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is ~~[-]~~ \$52.

~~[(a) \$40 for the knowledge test, and]~~

~~[(b) \$60 for the skills test.]~~

~~—(17)}]~~

(17) A commercial class A, B, or C license skills test is \$78.

~~[(17)]~~ (18) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is ~~[\$7]~~ \$9.

~~[(18)]~~ (19) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is ~~[\$7]~~ \$9.

~~[(19)]~~ (20) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is ~~[\$7]~~ \$9.

~~[(20)]~~ (21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is ~~[\$20]~~ \$26.

(b) A retake of a CDL skills test provided for in Section 53-3-205 is ~~[\$40]~~ \$52.

~~[(21)]~~ (22) A retake of a CDL endorsement test provided for in Section 53-3-205 is ~~[\$7]~~ \$9.

~~[(22)]~~ (23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is ~~[\$18]~~ \$23.

~~[(23)]~~ (24) (a) A license reinstatement application under Section 53-3-205 is ~~[\$30]~~ \$40.

(b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is ~~[\$35]~~ \$45 in addition to the fee under Subsection ~~[(23)]~~ (24)(a).

~~[(24)]~~ (25) (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is ~~[\$230]~~ \$255.

(b) This administrative fee is in addition to the fees under Subsection ~~[(23)]~~ (24).

~~[(25)]~~ (26) (a) An administrative fee for providing the driving record of a driver under

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Section 53-3-104 or 53-3-420 is ~~[\$6]~~ \$8.

(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.

~~[(26)]~~ [(27)] A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

~~[(27)]~~ [(28)] (a) Except as provided under Subsections ~~[(27)]~~ [(28)](b) and (c), an identification card application under Section 53-3-808 is ~~[\$18]~~ \$23.

(b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is ~~[\$13]~~ \$17.

(c) A fee may not be charged for an identification card application if the person applying:

- (i) has not been issued a Utah driver license;
- (ii) is indigent; and
- (iii) is at least 18 years of age.

~~[(28)]~~ [(29)] An extension of a regular identification card under Subsection 53-3-807(5) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is ~~[\$13]~~ \$17.

~~[(29)]~~ [(30)] An extension of a regular identification card under Subsection 53-3-807(6) is ~~[\$18]~~ \$23.

~~[(30)]~~ [(31)] In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

~~[(31)]~~ [(32)] An original mobility vehicle permit application under Section 41-6a-1118 is ~~[\$25]~~ \$30.

~~[(32)]~~ [(33)] A renewal of a mobility vehicle permit under Section 41-6a-1118 is ~~[\$25]~~ \$30.

~~[(33)]~~ [(34)] A duplicate mobility vehicle permit under Section 41-6a-1118 is ~~[\$10]~~ \$12.

Section ~~{2}~~ 3. Section **53-3-109** is amended to read:

53-3-109. Records -- Access -- Fees -- Rulemaking.

(1) (a) Except as provided in this section, all records of the division shall be classified and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

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(b) The division may only disclose personal identifying information:

(i) when the division determines it is in the interest of the public safety to disclose the information; and

(ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

(c) The division may disclose personal identifying information:

(i) to a licensed private investigator holding a valid agency license, with a legitimate business need;

(ii) to an insurer, insurance support organization, or a self-insured entity, or its agents, employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22, Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities, antifraud activities, rating, or underwriting for any person issued a license certificate under this chapter; or

(iii) to a depository institution as defined in Section 7-1-103 for use in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

(2) (a) A person who receives personal identifying information shall be advised by the division that the person may not:

(i) disclose the personal identifying information from that record to any other person;

or

(ii) use the personal identifying information from that record for advertising or solicitation purposes.

(b) Any use of personal identifying information by an insurer or insurance support organization, or by a self-insured entity or its agents, employees, or contractors not authorized by Subsection (1)(c)(ii) is:

(i) an unfair marketing practice under Section 31A-23a-402; or

(ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

(3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee may disclose portions of a driving record, in accordance with this Subsection (3), to:

(i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for purposes of assessing driving risk on the insurer's current motor vehicle insurance policyholders;

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(ii) an employer or a designee of an employer, for purposes of monitoring the driving record and status of current employees who drive as a responsibility of the employee's employment if the requester demonstrates that the requester has obtained the written consent of the individual to whom the information pertains; and

(iii) an employer or the employer's agents to obtain or verify information relating to a holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

(b) A disclosure under Subsection (3)(a)(i) shall:

(i) include the licensed driver's name, driver license number, date of birth, and an indication of whether the driver has had a moving traffic violation that is a reportable violation, as defined under Section 53-3-102 during the previous month;

(ii) be limited to the records of drivers who, at the time of the disclosure, are covered under a motor vehicle insurance policy of the insurer; and

(iii) be made under a contract with the insurer or a designee of an insurer.

(c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:

(i) include the licensed driver's name, driver license number, date of birth, and an indication of whether the driver has had a moving traffic violation that is a reportable violation, as defined under Section 53-3-102, during the previous month;

(ii) be limited to the records of a current employee of an employer;

(iii) be made under a contract with the employer or a designee of an employer; and

(iv) include an indication of whether the driver has had a change reflected in the driver's:

(A) driving status;

(B) license class;

(C) medical self-certification status; or

(D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.

(d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:

(i) the criteria for searching and compiling the driving records being requested;

(ii) the frequency of the disclosures;

(iii) the format of the disclosures, which may be in bulk electronic form; and

(iv) a reasonable charge for the driving record disclosures under this Subsection (3).

(4) The division may charge fees:

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(a) [~~collect fees~~] in accordance with Section 53-3-105 for searching and compiling its files or furnishing a report on the driving record of a person;

(b) [~~prepare~~] for each document prepared under the seal of the division and deliver upon request, a certified copy of any record of the division, and charge a fee [~~under~~] set in accordance with Section 63J-1-504 for each document authenticated; and

(c) [~~charge reasonable fees~~] established in accordance with the procedures and requirements of Section 63J-1-504 for disclosing personal identifying information under Subsection (1)(c).

(5) Each certified copy of a driving record furnished in accordance with this section is admissible in any court proceeding in the same manner as the original.

(6) (a) A driving record furnished under this section may only report on the driving record of a person for a period of 10 years.

(b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of commercial driver license violations, or reports for commercial driver license holders.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to designate:

(a) what information shall be included in a report on the driving record of a person;

(b) the form of a report or copy of the report which may include electronic format;

(c) the form of a certified copy, as required under Section 53-3-216, which may include electronic format;

(d) the form of a signature required under this chapter which may include electronic format;

(e) the form of written request to the division required under this chapter which may include electronic format;

(f) the procedures, requirements, and formats for disclosing personal identifying information under Subsection (1)(c); and

(g) the procedures, requirements, and formats necessary for the implementation of Subsection (3).

(8) (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created or maintained by the division or any information contained in a record created or maintained by the division for a purpose prohibited or not

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permitted by statute, rule, regulation, or policy of a governmental entity.

(b) A person who discovers or becomes aware of any unauthorized use of records created or maintained by the division shall inform the commissioner and the division director of the unauthorized use.

Section 4. Section 53-3-205 is amended to read:

53-3-205. Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.

(1) An application for any original license, provisional license, or endorsement shall be:

- (a) made upon a form furnished by the division; and
- (b) accompanied by a nonrefundable fee set under Section 53-3-105.

(2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:

(a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months of the date of the application;

(b) a learner permit if needed pending completion of the application and testing process; and

(c) an original class D license and license certificate after all tests are passed and requirements are completed.

(3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:

(a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of the application;

(b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

(c) a motorcycle or taxicab endorsement when all tests are passed.

(4) An application ~~and fees~~ for a commercial class A, B, or C license ~~entitle~~ entitles the applicant to:

(a) not more than two attempts to pass a knowledge test ~~and not more than two attempts to pass a skills test within six months of the date of the application~~;

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~~(b)}~~ when accompanied by the fee provided in Subsection 53-3-105(16);

(b) not more than two attempts to pass a skills test when accompanied by a fee in Subsection 53-3-105(17)(a) within six months of the date of application;

~~(b)}~~ (c) both a commercial driver instruction permit and a temporary license permit for the license class held before the applicant submits the application if needed after the knowledge test is passed; and

~~(c)}~~ (d) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.

(5) An application and fee for a CDL endorsement entitle the applicant to:

(a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application; and

(b) a CDL endorsement when all tests are passed.

(6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the number of attempts provided in Subsection (4) or (5), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.

(b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if the out-of-state resident pays the fee provided in Subsection 53-3-105~~(20)(b)}~~ (17)(a).

(ii) The division shall:

(A) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

(B) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.

(7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.

(b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension to a license expires on the birth date of the licensee in the fifth year following the expiration date of the license certificate renewed or extended.

(c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on

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the same date as the last license certificate issued.

(d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.

(e) (i) A regular license certificate and any endorsement to the regular license certificate held by a person described in Subsection (7)(e)(ii), which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated, the person has been discharged, or the person's assignment has been changed or terminated, unless:

(A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or

(B) the licensee updates the information or photograph on the license certificate.

(ii) The provisions in Subsection (7)(e)(i) apply to a person:

(A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;

(B) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;

(C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or

(D) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.

(f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:

(A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or

(B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.

(ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth year following the year that the limited-term license certificate was issued.

(g) A driving privilege card issued or renewed under Section 53-3-207 expires on the

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birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed.

(h) An original license or a renewal to an original license expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, each applicant shall:

(i) provide:

(A) the applicant's full legal name;

(B) the applicant's birth date;

(C) the applicant's gender;

(D) (I) documentary evidence of the applicant's valid Social Security number;

(II) written proof that the applicant is ineligible to receive a Social Security number;

(III) the applicant's temporary identification number (ITIN) issued by the Internal

Revenue Service for a person who:

(Aa) does not qualify for a Social Security number; and

(Bb) is applying for a driving privilege card; or

(IV) other documentary evidence approved by the division;

(E) the applicant's Utah residence address as documented by a form or forms

acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and

(F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is applying for a driving privilege card;

(ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:

(A) that a person is:

(I) a United States citizen;

(II) a United States national; or

(III) a legal permanent resident alien; or

(B) of the applicant's:

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(I) unexpired immigrant or nonimmigrant visa status for admission into the United States;

(II) pending or approved application for asylum in the United States;

(III) admission into the United States as a refugee;

(IV) pending or approved application for temporary protected status in the United States;

(V) approved deferred action status;

(VI) pending application for adjustment of status to legal permanent resident or conditional resident; or

(VII) conditional permanent resident alien status;

(iii) provide a description of the applicant;

(iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;

(v) state whether the applicant has ever had any license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had any license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;

(vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

(vii) state whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

(viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the state Department of Veterans' and Military Affairs;

(ix) provide all other information the division requires; and

(x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.

(b) Each applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).

(c) Each applicant shall provide evidence of lawful presence in the United States in

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accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

(d) The division shall maintain on its computerized records an applicant's:

(i) (A) Social Security number;

(B) temporary identification number (ITIN); or

(C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

(ii) indication whether the applicant is required to register as a sex offender in

accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(9) The division shall require proof of every applicant's name, birthdate, and birthplace by at least one of the following means:

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

(d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.

(10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than what the applicant originally was issued:

(i) the license application shall be treated as an original application; and

(ii) license and endorsement fees shall be assessed under Section 53-3-105.

(b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:

(i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and

(ii) shall be assessed a duplicate license fee under Subsection 53-3-105~~(22)~~(23) if a duplicate license is issued under Subsection (10)(b)(i).

(c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):

(i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and

(ii) shall be assessed a duplicate license fee under Subsection 53-3-105~~(22)~~(23) if a duplicate license is issued under Subsection (10)(c)(i).

(11) (a) When an application is received from a person previously licensed in another

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state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.

(b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state.

(12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license shall be accompanied by the additional fee or fees specified in Section 53-3-105.

(13) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.

(14) A person who applies for an original license or renewal of a license agrees that the person's license is subject to any suspension or revocation authorized under this title or Title 41, Motor Vehicles.

(15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by the licensee in accordance with division rule.

(b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform licensees of anatomical gift options, procedures, and benefits.

(16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' and Military Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

(17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

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(18) A person who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

(19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2014, a person born on or after December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (19), the division shall cancel the Utah identification card on December 1, 2014.

(20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.

(b) On or after December 1, 2017, a person born prior to December 1, 1964:

(i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and

(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.

(c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (20), the division shall cancel the Utah identification card on December 1, 2017.

(21) (a) A person who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the person:

(i) is a resident of the state of Utah;

(ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or

(B) is an immediate family member or dependent of a person described in Subsection

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(21)(a)(ii)(A) and is residing outside of Utah;

(iii) has a digitized driver license photo on file with the division;

(iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and

(v) provides the necessary information and documentary evidence required under Subsection (8).

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

(i) establishing the procedures for a person to obtain a motorcycle endorsement under this Subsection (21); and

(ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).

Section ~~33~~5. Section **53-5-706** is amended to read:

53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.

(1) (a) Except as provided in Subsection (2), the fingerprints of each applicant for a permit under Section 53-5-707 or 53-5-707.5 shall be taken on a form prescribed by the bureau.

(b) Upon receipt of the fingerprints, the applicant fingerprint card fee prescribed in Section 53-10-108, and the fee prescribed in Section 53-5-707 or 53-5-707.5, the bureau shall conduct a search of its files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through its files.

(c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct a search of its files for criminal history information, the application or concealed firearm permit may be denied, suspended, or revoked until sufficient fingerprints are submitted by the applicant.

(2) (a) If the permit applicant has previously applied to the bureau for a permit to carry concealed firearms, the bureau shall note the previous identification numbers and other data which would provide positive identification in the files of the bureau on the copy of any subsequent permit submitted to the bureau in accordance with this section.

(b) No additional application form, fingerprints, or fee are required under this Subsection (2).

Section ~~44~~6. Section **53-5-707** is amended to read:

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53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.

(1) (a) An applicant for a concealed firearm permit shall pay a fee of [~~\$24.75~~] \$25 at the time of filing an application.

(b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.

(c) The bureau shall waive the initial fee for an applicant who is a law enforcement officer under Section 53-13-103.

(d) Concealed firearm permit renewal fees for active duty service members and the spouse of an active duty service member shall be waived.

(2) The renewal fee for the permit is [~~\$15.~~] \$20. A nonresident shall pay an additional \$5 for the additional cost of processing a nonresidential renewal.

(3) The replacement fee for the permit is \$10.

(4) (a) The late fee for the renewal permit is \$7.50.

(b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.

(5) (a) There is created a restricted account within the General Fund known as the "Concealed Weapons Account."

(b) The account shall be funded from fees collected under this section and Section 53-5-707.5.

(c) Funds in the account shall be used to cover costs relating to the issuance of concealed firearm permits under this part and may not be used for any other purpose.

(6) (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.

~~[(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that the total of the fee under Subsection (1)(a) and the fee under Subsection (6)(a) is the nearest even dollar amount to that total.]~~

~~[(c)]~~ (b) The bureau shall promptly forward any fees collected under Subsection (6)(a) to the appropriate agency.

(7) The bureau shall make an annual report in writing to the Legislature's Law Enforcement and Criminal Justice Interim Committee on the amount and use of the fees collected under this section and Section 53-5-707.5.

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Section ~~53-7~~7. Section **53-5-707.5** is amended to read:

53-5-707.5. Provisional concealed firearm permit -- Fees -- Disposition of fees.

(1) (a) An applicant for a provisional concealed firearm permit, as described in Section 53-5-704.5, shall pay a fee of [~~\$24.75~~] \$25 at the time of filing an application.

(b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.

(2) The replacement fee for the permit is \$10.

(3) Fees collected under this section shall be remitted to the Concealed Weapons Account, as described in Subsection 53-5-707(5).

(4) (a) The bureau may collect any fees charged by an outside agency for additional services required by statute as a prerequisite for issuance of a permit.

~~[(b) The bureau may modify the fee under Subsection (1)(a) by adjusting that fee so that the total of the fee under Subsection (1)(a) and the fee under Subsection (4)(a) is the nearest even dollar amount to that total.]~~

~~[(c)]~~ (b) The bureau shall promptly forward any fees collected under Subsection (4)(a) to the appropriate agency.

Section ~~53-7~~8. Section **53-7-223** is amended to read:

53-7-223. State license for display operators, special effects operators, and flame effects operators -- Permit -- Fee -- Division duties -- Revocation.

(1) (a) A person may not purchase or possess display fireworks, special effects fireworks, or flame effects, or discharge any of them in public unless the person has obtained the appropriate license from the division, except under Subsection (1)(b).

(b) (i) Subsection (1)(a) does not apply to any person who participates in a meeting, as limited under Subsection (1)(b)(ii), with other persons solely to receive training, to practice, or provide instruction regarding flame effects performance.

(ii) A meeting under Subsection (1)(b)(i) may include a nonpaying and unsolicited audience of not more than 25 persons.

(2) The division shall:

(a) issue an annual license to any display operator, special effects operator, or flame effects operator who:

(i) applies for the permit;

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- (ii) pays [~~a \$40~~] the fee set in accordance with Section 63J-1-504;
- (iii) demonstrates proof of competence; and
- (iv) certifies that the operator will comply with board rules governing placement and discharge of fireworks or flame effects;
- (b) provide the licensee with a copy of the rules governing placement and discharge of fireworks or flame effects made under Section 53-7-204; and
- (c) together with county and municipal officers enforce Sections 53-7-220 through 53-7-225.
- (3) The division may:
 - (a) revoke a license issued under this section for cause;
 - (b) seize display and special effects fireworks, fireworks, and unclassified fireworks that are offered for sale, sold, or in the possession of an individual in violation of Sections 53-7-220 through 53-7-225;
 - (c) prevent or stop the use of flame effects that is unlawful or that is endangering persons or property; and
 - (d) create application and certification forms.

Section ~~7~~9. Section **53-7-224** is amended to read:

53-7-224. Licensing importers and wholesalers -- Fee.

The division shall:

- (1) annually license each importer and wholesaler of pyrotechnic devices; and
- (2) charge an annual license fee [~~of \$250~~] set in accordance with Section 63J-1-504.

Section ~~8~~10. Section **53-9-111** is amended to read:

53-9-111. License and registration fees -- Deposit in General Fund.

- (1) Fees for individual and agency licensure and renewal [~~are as follows:~~] shall be in accordance with Section 63J-1-504.

~~[(a) for an original agency license application and license, \$215, plus an additional fee for the costs of fingerprint processing and background investigation;]~~

~~[(b) for the renewal of an agency license, \$115;]~~

~~[(c) for an original registrant or apprentice license application and license, \$115, plus an additional fee for the costs of fingerprint processing and background investigation;]~~

~~[(d) for the renewal of a registrant or apprentice license, \$65;]~~

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~~[(e) for filing an agency renewal application more than 30 days after the expiration date of the license, a delinquency fee of \$65;]~~

~~[(f) for filing a registrant or apprentice renewal application more than 30 days after the expiration date of the registration, a delinquency fee of \$45;]~~

~~[(g) for the reinstatement of any license, \$65;]~~

~~[(h) for a duplicate identification card, \$25; and]~~

~~[(i) for the fingerprint processing fee, an amount that does not exceed the cost to the bureau charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;]~~

(2) (a) The bureau may renew a license granted under this chapter:

(i) to a resident of the state;

(ii) upon receipt of a renewal application on forms as prescribed by the bureau; and

(iii) upon receipt of the fees prescribed in Subsection (1).

(b) (i) The renewal of a license requires the filing of all certificates of insurance or proof of surety bond as required by this chapter.

(ii) Renewal of a license may not be granted more than 180 days after expiration.

(c) A licensee may not engage in activity subject to this chapter during the period between the date of expiration of the license and the renewal of the license.

(3) (a) The bureau shall renew a suspended license if:

(i) the period of suspension has been completed;

(ii) the bureau has received a renewal application from the applicant on forms prescribed by the bureau; and

(iii) the applicant has:

(A) filed all certificates of insurance or proof of surety bond as required by this chapter; and

(B) paid the fees required by this section for renewal, including a delinquency fee if the application is not received by the bureau within 30 days of the termination of the suspension.

(b) Renewal of the license does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in activity regulated by this chapter, or in other activity or conduct in violation of the order or judgment by which the license was suspended.

(4) The bureau may not reinstate a revoked license or accept an application for a

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license from a person whose license has been revoked for at least one year from the date of revocation.

(5) All fees, except the fingerprint processing fee, collected by the bureau under this section shall be deposited in the General Fund.

Section ~~9~~11. Section **53-10-108** is amended to read:

53-10-108. Restrictions on access, use, and contents of division records -- Limited use of records for employment purposes -- Challenging accuracy of records -- Usage fees -- Missing children records -- Penalty for misuse of records.

(1) As used in this section:

(a) "FBI Rap Back System" means the rap back system maintained by the Federal Bureau of Investigation.

(b) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.

(c) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.

(2) Dissemination of information from a criminal history record, including information obtained from a fingerprint background check or name check, or warrant of arrest information from division files is limited to:

(a) criminal justice agencies for purposes of administration of criminal justice and for employment screening by criminal justice agencies;

(b) noncriminal justice agencies or individuals for any purpose authorized by statute, executive order, court rule, court order, or local ordinance;

(c) agencies or individuals for the purpose of obtaining required clearances connected with foreign travel or obtaining citizenship;

(d) (i) agencies or individuals pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice; and

(ii) the agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, and ensure the security and confidentiality of the data;

(e) agencies or individuals for the purpose of a preplacement adoptive study, in accordance with the requirements of Sections 78B-6-128 and 78B-6-130;

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(f) (i) agencies and individuals as the commissioner authorizes for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency; and

(ii) private security agencies through guidelines established by the commissioner for employment background checks for their own employees and prospective employees;

(g) a qualifying entity for employment background checks for their own employees and persons who have applied for employment with the qualifying entity; and

(h) other agencies and individuals as the commissioner authorizes and finds necessary for protection of life and property and for offender identification, apprehension, and prosecution pursuant to an agreement.

(3) An agreement under Subsection (2)(f) or (2)(h) shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of individuals to whom the information relates, and ensure the confidentiality and security of the data.

(4) (a) Before requesting information under Subsection (2)(g), a qualifying entity must obtain a signed waiver from the person whose information is requested.

(b) The waiver must notify the signee:

(i) that a criminal history background check will be conducted;

(ii) who will see the information; and

(iii) how the information will be used.

(c) Information received by a qualifying entity under Subsection (2)(g) may only be:

(i) available to persons involved in the hiring or background investigation of the employee; and

(ii) used for the purpose of assisting in making an employment or promotion decision.

(d) A person who disseminates or uses information obtained from the division under Subsection (2)(g) for purposes other than those specified under Subsection (4)(c), in addition to any penalties provided under this section, is subject to civil liability.

(e) A qualifying entity that obtains information under Subsection (2)(g) shall provide the employee or employment applicant an opportunity to:

(i) review the information received as provided under Subsection (9); and

(ii) respond to any information received.

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(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to implement this Subsection (4).

(g) The division or its employees are not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsection (2)(g).

(5) (a) Any criminal history record information obtained from division files may be used only for the purposes for which it was provided and may not be further disseminated, except under Subsection (5)(b), (c), or (d).

(b) A criminal history provided to an agency pursuant to Subsection (2)(e) may be provided by the agency to the person who is the subject of the history, another licensed child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an adoption.

(c) A criminal history of a defendant provided to a criminal justice agency under Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel, upon request during the discovery process, for the purpose of establishing a defense in a criminal case.

(d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that is under contract with a state agency to provide services may, for the purposes of complying with Subsection 62A-5-103.5(5), provide a criminal history record to the state agency or the agency's designee.

(6) The division may not disseminate criminal history record information to qualifying entities under Subsection (2)(g) regarding employment background checks if the information is related to charges:

- (a) that have been declined for prosecution;
- (b) that have been dismissed; or
- (c) regarding which a person has been acquitted.

(7) (a) This section does not preclude the use of the division's central computing facilities for the storage and retrieval of criminal history record information.

(b) This information shall be stored so it cannot be modified, destroyed, or accessed by unauthorized agencies or individuals.

(8) Direct access through remote computer terminals to criminal history record

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information in the division's files is limited to those agencies authorized by the commissioner under procedures designed to prevent unauthorized access to this information.

(9) (a) The commissioner shall establish procedures to allow an individual right of access to review and receive a copy of the individual's criminal history report.

(b) A processing fee for the right of access service, including obtaining a copy of the individual's criminal history report under Subsection (9)(a) [~~is \$15. This fee remains in effect until changed by the commissioner through the process under~~] shall be set in accordance with Section 63J-1-504.

(c) (i) The commissioner shall establish procedures for an individual to challenge the completeness and accuracy of criminal history record information contained in the division's computerized criminal history files regarding that individual.

(ii) These procedures shall include provisions for amending any information found to be inaccurate or incomplete.

(10) The private security agencies as provided in Subsection (2)(f)(ii):

(a) shall be charged for access; and

(b) shall be registered with the division according to rules made by the division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(11) Before providing information requested under this section, the division shall give priority to criminal justice agencies needs.

(12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

(b) A person who discovers or becomes aware of any unauthorized use of records created or maintained, or to which access is granted by the division shall inform the commissioner and the director of the Utah Bureau of Criminal Identification of the unauthorized use.

(13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in Subsection (2)(b) may request that the division register fingerprints taken for the purpose of conducting current and future criminal background checks under this section with:

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- (i) the WIN Database rap back system, or any successor system;
- (ii) the FBI Rap Back System; or
- (iii) a system maintained by the division.

(b) A qualifying entity or an entity described in Subsection (2)(b) may only make a request under Subsection (13)(a) if the entity:

- (i) has the authority through state or federal statute or federal executive order;
- (ii) obtains a signed waiver from the individual whose fingerprints are being registered;

and

(iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives notifications for individuals with whom the entity maintains an authorizing relationship.

(14) The division is authorized to submit fingerprints to the FBI Rap Back System to be retained in the FBI Rap Back System for the purpose of being searched by future submissions to the FBI Rap Back System, including latent fingerprint searches.

~~[(15)(a)(i) The applicant fingerprint card fee under Subsection (2) is \$20.]~~

~~[(ii) The name check fee under Subsection (2) is \$15.]~~

~~[(iii) The fee to register fingerprints under Subsection (13)(a)(i) is \$5.]~~

~~[(iv) The fees described in this Subsection (15)(a) remain in effect until changed by the division through the process under Section 63J-1-504.]~~

(15) (a) The division shall impose fees set in accordance with Section 63J-1-504 for the applicant fingerprint card, name check, and to register fingerprints under Subsection (13)(a).

(b) Funds generated under this Subsection (15) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in providing the information.

(c) The division may collect fees charged by an outside agency for services required under this section.

Section ~~{10}~~ 12. Section ~~{53-10-404.5}~~ 53-11-115 is amended to read:

~~{~~ 53-10-404.5. Obtaining DNA specimen at time of booking -- Payment of fee upon conviction.

~~_____ (1) (a) When a sheriff books a person for any offense under Subsections 53-10-403(1)(c) and (d), the sheriff shall obtain a DNA specimen from the person upon~~

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~~booking of the person at the county jail, except under Subsection (1)(b).~~

~~—— (b) If at the time of booking the sheriff is able to obtain information from the bureau stating that the bureau has on file a DNA specimen for the person, the sheriff is not required to obtain an additional DNA specimen.~~

~~—— (2) The person booked under Subsection (1) shall pay a fee [of \$150] set in accordance with Section 63J-1-504 for the cost of obtaining the DNA specimen if:~~

~~—— (a) the charge upon which the booking is based is resolved by a conviction or the person is convicted of any charge arising out of the same criminal episode regarding which the DNA specimen was obtained; and~~

~~—— (b) the person's DNA sample is not on file under Subsection (1)(b):~~

~~—— (3) (a) All fees collected under Subsection (2) shall be deposited in the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than \$25 per individual specimen for the costs of obtaining the DNA specimen.~~

~~—— (b) The agency collecting the [\$150] fee may not retain from each separate fee more than \$25, and no amount of the [\$150] fee may be credited to any other fee or agency obligation.~~

~~—— (4) Any DNA specimen obtained under this section shall be held and may not be processed until:~~

~~—— (a) the court has bound the person over for trial following a preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked;~~

~~—— (b) the person has waived the preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked; or~~

~~—— (c) a grand jury has returned an indictment for any charge arising out of the same criminal episode regarding which the person was booked.~~

~~—— Section 11. Section ~~53-11-115~~ is amended to read:~~

~~‡~~ **53-11-115. License fees -- Deposit in General Fund.**

(1) Fees for individual and agency licensure, registration, and renewal [are:] shall be set in accordance with Section 63J-1-504.

~~[(a) for an original bail enforcement agent license application and license, \$250, which shall include the costs of fingerprint processing and background investigation;]~~

~~[(b) for the renewal of a bail enforcement agent or bail bond recovery agency license;~~

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~~\$150;]~~

~~[(c) for an original bail recovery agent license application and license, \$150, which shall include the costs of fingerprint processing and background investigation;]~~

~~[(d) for the renewal of each bail recovery agent license, \$100;]~~

~~[(e) for an original bail recovery apprentice license application and license, \$150, which shall include the costs of fingerprint processing and background investigation;]~~

~~[(f) for the renewal of each bail recovery apprentice license, \$100;]~~

~~[(g) for filing a renewal application under Subsection (1)(b) more than 30 days after the expiration date of the license, a delinquency fee of \$50;]~~

~~[(h) for filing a renewal application under Subsection (1)(d) more than 30 days after the expiration date of the registration, a delinquency fee of \$30;]~~

~~[(i) for filing a renewal application under Subsection (1)(f) more than 30 days after the expiration date of the apprentice license, a delinquency fee of \$30;]~~

~~[(j) for the reinstatement of a bail enforcement agent or bail bond recovery agency license, \$50;]~~

~~[(k) for a duplicate identification card, \$10; and]~~

~~[(l) for reinstatement of an identification card, \$10.]~~

(2) (a) The bureau may renew a license granted under this chapter upon receipt of an application on forms as prescribed by the board and upon receipt of the applicable fees ~~[prescribed in Subsection (1);]~~ if the licensee's application meets all the requirements for renewal.

(b) If the bureau determines the license renewal application does not meet all the requirements for renewal, the bureau shall submit the renewal application to the board for review and action.

(c) A license may not be renewed more than 90 days after its expiration.

(d) A licensee may not engage in any activity subject to this chapter during any period between the date of expiration of the license and the renewal of the license.

(3) (a) The board may reinstate a suspended license upon completion of the term of suspension.

(b) Renewal of the license does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any

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other activity or conduct in violation of the order or judgment by which the license was suspended.

(4) The board may not reinstate a revoked license or accept an application for a license from a person whose license has been revoked for at least one year after the date of revocation.

(5) All fees, except the fingerprint processing fee, collected by the department under this section shall be deposited in the General Fund.

Section ~~12~~13. Section **76-10-526** is amended to read:

76-10-526. Criminal background check prior to purchase of a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement officers.

(1) For purposes of this section, "valid permit to carry a concealed firearm" does not include a temporary permit issued under Section 53-5-705.

(2) (a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.

(b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (2).

(3) (a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.

(b) Subsection (3)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.

(4) (a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.

(b) The form shall contain the following information:

(i) the dealer identification number;

(ii) the name and address of the individual receiving the firearm;

(iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm; and

(iv) the social security number or any other identification number of the individual receiving the firearm.

(5) (a) The dealer shall send the information required by Subsection (4) to the bureau

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immediately upon its receipt by the dealer.

(b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau with the information in Subsection (4) and has received approval from the bureau under Subsection (7).

(6) The dealer shall make a request for criminal history background information by telephone or other electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or other electronic means.

(7) When the dealer calls for or requests a criminal history background check, the bureau shall:

(a) review the criminal history files, including juvenile court records, to determine if the individual is prohibited from purchasing, possessing, or transferring a firearm by state or federal law;

(b) inform the dealer that:

(i) the records indicate the individual is prohibited; or

(ii) the individual is approved for purchasing, possessing, or transferring a firearm;

(c) provide the dealer with a unique transaction number for that inquiry; and

(d) provide a response to the requesting dealer during the call for a criminal background check, or by return call, or other electronic means, without delay, except in case of electronic failure or other circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for the delay and give the dealer an estimate of the length of the delay.

(8) (a) The bureau may not maintain any records of the criminal history background check longer than 20 days from the date of the dealer's request, if the bureau determines that the individual receiving the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.

(b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.

(9) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall inform the law enforcement agency in the jurisdiction where the individual resides.

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(10) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.

(11) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the bureau under this part are in conformance with the requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).

(12) (a) ~~[(i)]~~ A dealer shall collect a criminal history background check fee ~~[of \$7.50]~~ for the sale of a firearm under this section. ~~[(ii)]~~ This fee remains in effect until changed by the bureau through the process ~~[under]~~ in accordance with Section 63J-1-504.

(b) (i) The dealer shall forward at one time all fees collected for criminal history background checks performed during the month to the bureau by the last day of the month following the sale of a firearm.

(ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of administering and conducting the criminal history background check program.

(13) An individual with a concealed firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and corresponding fee required in this section for the purchase of a firearm if:

(a) the individual presents the individual's concealed firearm permit to the dealer prior to purchase of the firearm; and

(b) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.

(14) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check fee required in this section for the purchase of a personal firearm to be carried while off-duty if the law enforcement officer verifies current employment by providing a letter of good standing from the officer's commanding officer and current law enforcement photo identification. This section may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.

(15) (a) A dealer may participate in the redeemable coupon program described in this Subsection (15) and Subsection 53-10-202(18).

(b) A participating dealer shall:

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- (i) accept the redeemable coupon only from the individual whose name is on the coupon and apply it only toward the purchase of a gun safe;
- (ii) collect the receipts from the purchase of gun safes using the redeemable coupon and send them to the Bureau of Criminal Identification for redemption; and
- (iii) make the firearm safety brochure described in Subsection 53-10-202(18) available to customers free of charge.

Section 14. FY 2019 Appropriations.

The following sums of money are appropriated for the fiscal year beginning July 1, 2018 and ending June 30, 2019. These are additions to amounts previously appropriated for fiscal year 2019.

Section 13(b). Operating and Capital Budgets.

Under the terms and conditions of Utah Code Title 63J, the Legislature appropriates the following sums of money from the funds or fund accounts indicated for the use and support of the government of the State of Utah.

ITEM 1

To Department of Public Safety - Programs & Operations

| | |
|---|-----------------------|
| <u>From General Fund</u> | <u>(\$1,115,800)</u> |
| <u>From Dedicated Credits Revenue</u> | <u>(\$7,407,100)</u> |
| <u>From Concealed Weapons Account (GFR)</u> | <u>(\$3,373,500)</u> |
| <u>From Statewide Warrant Ops (GFR)</u> | <u>(\$586,200)</u> |
| <u>From Transfers</u> | <u>(\$26,100)</u> |
| <u>From Pass-through</u> | <u>(\$1,600)</u> |
| <u>Schedule of Programs:</u> | |
| <u>CITS Bureau of Criminal Identification</u> | <u>(\$12,510,300)</u> |

ITEM 2

To Department of Public Safety - Bureau of Criminal Identification

| | |
|--|--------------------|
| <u>General Fund</u> | <u>\$2,565,800</u> |
| <u>Dedicated Credits Revenue</u> | <u>\$6,382,100</u> |
| <u>Concealed Weapons Account (GFR)</u> | <u>\$3,373,500</u> |
| <u>Statewide Warrant Ops (GFR)</u> | <u>\$450,000</u> |
| <u>Transfers</u> | <u>\$26,100</u> |

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Pass-through \$1,600

Schedule of Programs:

Law Enforcement/Criminal Justice Services \$3,015,800

Non-Government/Other Services \$9,783,300

The Legislature intends that if the Department of Public Safety encounters a revenue shortfall by the end of FY 2019 within the Bureau of Criminal Identification line item, that the Department of Public Safety report to the Executive Offices and Criminal Justice Appropriations Subcommittee and set aside up to \$1,000,000 as a reserve amount in the Programs and Operations line item for potential reallocation in the 2019 General Session for the Legislature to transfer up to \$1,000,000 from the Department of Public Safety - Programs and Operations line item to ensure they do not run a deficit at the close of FY 2019.

The Legislature intends that should the Department of Public Safety collect more fee revenue than what is appropriated, that the surplus fee revenue may not lapse at the end of FY 2019, but remain unexpended by the Department for potential use in FY 2020, including as an offset for any fee adjustments for FY 2020.

Section 15. Fees.

Under the terms and conditions of Utah Code Title 63J Chapter 1 and other fee statutes as applicable, the following fees and rates are approved for the use and support of the government of the State of Utah for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

Department of Public Safety

Programs & Operations

CITS Bureau of Criminal Identification

Western Identification Network (WIN) Fingerprint \$15

Background Check

Name Check [from 53-10-108(15)(a)(ii)] \$15

Fingerprint Registration [from 53-10-108(15)(a)(iii)] \$5

Criminal History Report \$15

Firearm Purchase Criminal History Background Check \$7.50

[from 76-10-526(12)(a)(i)]

Section ~~{13}~~16. Effective date.

SB0016S02 compared with SB0016S01

This bill takes effect on July 1, 2018.